

S/N 10/549,241

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ferrara et al.	Examiner:	Gamett, Daniel C.
Serial No.:	10/549,241	Group Art Unit:	1647
Filed:	June 12, 2006	Docket No.:	11669.0162USWO
Customer No.:	23552	Confirmation No.:	5101
Title:	COMPOSITIONS WITH HEMATOPOIETIC AND IMMUNE ACTIVITY		

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Restriction Requirement Office Action mailed November 1, 2007, Applicants respectfully request consideration of the claims in view of the following remarks.

The Office Action alleges restriction to one of Groups I or II is required under 35 U.S.C. §§ 121 and 372. Applicants elect Group I (drawn to methods comprising administration of Bv8, EG-VEGF, or a combination thereof, and compositions comprising Bv8, EG-VEGF, or a combination thereof) with traverse. The elected group encompasses claims 72-101 and 122.

During examination of a national stage application filed under 35 U.S.C. § 371, PCT Rules 13.1 and 13.2 must be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. § 111. See MPEP § 1850 citing *Caterpillar Tractor Co. v. Commissioner of Patents and Trademarks*, 650 F. Supp. 218 (E.D. Va. 1986). Applicants submit Group I and Group II are linked by the same or corresponding special technical feature that forms a single inventive concept. A "special technical feature" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art.